

Civil No. B 069450

COURT OF APPEAL

STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION 4

COURT OF APPEAL - SECOND DIST.

FILED

FEB 4 - 1993

JOSEPH A. LANE

Clerk

R. TAYLOR

Deputy Clerk

CHURCH OF SCIENTOLOGY INTERNATIONAL,)
)
Plaintiff-Respondent,)
)
vs.)
)
GERALD ARMSTRONG,)
)
Defendant-Appellant.)

[Los Angeles Superior
Court No. BC 052395]

RECEIVED

FEB 22 1993

HUB LAW OFFICES

On appeal from the Superior Court of the County
of Los Angeles, the Honorable Ronald M. Sohigian.

APPLICATION FOR EXTENSION OF
TIME TO FILE RESPONDENT'S BRIEF;
DECLARATION OF KAREN D. HOLLY; ORDER

Karen D. Holly
BOWLES & MOXON
6255 Sunset Boulevard
Suite 2000
Hollywood, CA 90028

Attorney for Respondent

Civil No. B 069450
COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION 4

CHURCH OF SCIENTOLOGY INTERNATIONAL,)	
)	
Plaintiff-Respondent,)	[Los Angeles Superior
)	Court No. BC 052395]
vs.)	
)	
GERALD ARMSTRONG,)	
)	
Defendant-Appellant.)	
)	

APPLICATION FOR EXTENSION OF
TIME TO FILE RESPONDENT'S BRIEF;
DECLARATION OF KAREN D. HOLLY; ORDER

Respondent Church of Scientology International hereby applies for an extension of time of 30 days within which to file its Responding Brief because of scheduling problems that have arisen due to Appellant's several delays in filing Appellant's Opening Brief. The declaration of Karen D. Holly is filed herewith in support of this application.

Dated: February 4, 1993

Respectfully submitted,

By: Karen D. Holly
Karen D. Holly

Attorney for Respondent

DECLARATION OF KAREN D. HOLLY

I, Karen D. Holly, declare as follows:

1. I am an attorney licensed to practice in the State of California and I am appellate counsel for the law firm of Bowles and Moxon for the Church of Scientology International in the case of Gerald Armstrong v. Church of Scientology International, No. B069450. I am primarily responsible for preparing the Responding Brief in this matter.

2. The Opening Brief was originally due on November 19, 1992, but Appellant obtained an extension of time to file the brief until December 19, 1992, based in part on an alleged conflict arising from the preparations of briefs for and attendance at a hearing set for November 30 in this case in Superior Court. After the Superior Court, sua sponte, extended the hearing date to December 15, Appellant filed an ex parte motion in Superior Court to obtain an extension of the hearing date from December 15 until December 28 on the basis that he needed the time to prepare his appellate brief for filing on December 18.

3. On December 24, 1992, Appellant still had not filed his Opening Brief. The Clerk of the Court of Appeal sent notice to Appellant that the Opening Brief must be on file within fifteen days from that date, which then made the brief due on January 8, 1993. On January 8, 1993, Appellant filed a non-complying 91 page brief. Appellant then obtained another extension of time until January 18, 1993, for filing the Opening Brief. The Appellant's Opening Brief was finally filed on January 19, 1993.

4. Because Respondent had expected to receive the brief a

month earlier, counsel for Respondent had previously arranged for depositions to be taken on the East Coast in other cases during the first two weeks of February. Given the scheduling of out of town depositions in other matters, Counsel for Respondent will have slightly more than a week to prepare a responding brief after returning from depositions. Such a short amount of time is inadequate in view of the large volume of material which has been included in Appellant's Appendix and in view of the many issues discussed in the Opening Brief. An extension of 30 days is therefore respectfully requested as a reasonable and necessary time to fully respond to the Opening Brief. See California Rules of Court, Rule 45.5 (c)(4).

5. I am not aware of any prejudice that will result to any party or person if the Court grants this application for extension of time.

6. This application is made in good faith and because additional time is reasonably necessary and is not made for any purposes of delay.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 4, 1993, at Los Angeles, California.


KAREN D. HOLLY

ORDER

IT IS ORDERED that Respondent Church of Scientology International may have an extension of time of 30 days in which to file it's responding brief, up to and including March 22, 1993.

February __, 1993

WOODS, P. J.

PRESIDING JUSTICE

FEB 17 1993

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Blvd., Suite 2000, Hollywood, California 90028.

On February 4, 1993, I served the foregoing document described as APPLICATION FOR EXTENSION OF TIME TO FILE RESPONDENT'S BRIEF; DECLARATION OF KAREN D. HOLLY; ORDER on interested parties in this action

[] by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

[X] by placing [] the original [X] a true copy thereof in sealed envelopes addressed as follows:

FORD GREENE
HUB Law Offices
711 Sir Francis Drake Boulevard
San Anselmo, CA 9490-1949

PAUL MORANTZ
P.O. Box 511
Pacific Palisades, CA 90272

[X] BY MAIL

[] *I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

[X] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is

presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on February 4, 1993 at Los Angeles, California.

- [] **(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on Feb 4, 1993, at Los Angeles, California.

- [X] (State) I declare under penalty of the laws of the State of California that the above is true and correct.

- [] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

PAUL BRADFORD
Type or Print Name

Paul Bradford
Signature

* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

** (For personal service signature must be that of messenger)